

UNITED STATES DISTRICT COURT

for the

District of OREGON

EUGENE Division

Case No. 6:20-cv-829 MK

GLENN C. BROWN, an individual;

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

UNITED STATES FOREST SERVICE, HOLLY
JEWKES, AS DESCHUTES NATIONAL FOREST
SUPERVISOR; UNITED STATES FOREST
SERVICE (USDA); OREGON DEPARTMENT OF
TRANSPORTATION, GARY FARNSWORTH, AS
ADMINISTRATOR REGION 4; OREGON
DEPARTMENT OF TRANSPORTATION.

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

(to be filled in by the Clerk's Office)

COMPLAINT AND REQUEST FOR INJUNCTION

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	GLENN C. BROWN, an individual;
Street Address	17007 BUCK HORN DRIVE
City and County	SISTERS, DESCHUTES COUNTY
State and Zip Code	OREGON. 97759

Telephone Number	541-815-5513
E-mail Address	glennbrown27@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (*if known*). Attach additional pages if needed.

Defendant No. 1

Name	UNITED STATES FOREST SERVICE (USDA), HOLLY JEWKES AS DESCHUTES NATIONAL FOREST SUPERVISOR;
Job or Title (<i>if known</i>)	DESCHUTES NATIONAL FOREST SUPERVISOR, USFS.
Street Address	63095 DESCHUTES MARKET RD DESCHUTES NATIONAL FOREST BEND, OR 97701 +1 541 383 5300
City and County	BEND, DESCHUTES
State and Zip Code	OREGON, 97701
Telephone Number	541-383-5300
E-mail Address (<i>if known</i>)	

Defendant No. 2

Name	UNITED STATES FOREST SERVICE (USDA);
Job or Title (<i>if known</i>)	
Street Address	63095 DESCHUTES MARKET ROAD
City and County	BEND, DESCHUTES
State and Zip Code	OREGON, 97701
Telephone Number	+1 541 383 5300
E-mail Address (<i>if known</i>)	

Defendant No. 3

Name	OREGON DEPARTMENT OF TRANSPORTATION, GARY FARNSWORTH AS ADMINISTRATOR REGION 4;
Job or Title (<i>if known</i>)	ADMINISTRATOR, ODOT REGION 4

Street Address	63055 NORTH HIGHWAY 97
City and County	BEND, DESCHUTES
State and Zip Code	OREGON, 97701
Telephone Number	
E-mail Address <i>(if known)</i>	gary.farnsworth@odot.state.or.us

Defendant No. 4

Name	OREGON DEPARTMENT OF TRANSPORTATION;
Job or Title <i>(if known)</i>	
Street Address	355 CAPITOL STREET T. MS 11
City and County	SALEM, MARION
State and Zip Code	OREGON. 97301-3871
Telephone Number	18882756368
E-mail Address <i>(if known)</i>	kristopher.w.strickler@odot.state.or.us

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☒ Federal question

☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

that List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution are at issue in this case.

5TH AMENDMENT TO THE UNITED STATES CONSTITUTION; 16 U.S.C. 7901, SEC 4001 ET SEQ., NFMA,

B. If the Basis for Jurisdiction Is Diversity of Citizenship

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, *(name)* _____, is a citizen of the
State of *(name)* _____.

b. If the plaintiff is a corporation

The plaintiff, *(name)* _____, is incorporated
under the laws of the State of *(name)* _____,
and has its principal place of business in the State of *(name)* _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)

a. If the defendant is an individual

The defendant, *(name)* _____, is a citizen of
the State of *(name)* _____. Or is a citizen of
(foreign _____
nation) _____.

b. If the defendant is a corporation

The defendant, *(name)* _____, is incorporated
under
the laws of the State of *(name)* _____, and has its
principal place of business in the State of *(name)* _____.
Or is incorporated under the laws of *(foreign nation)* _____,
and has its principal place of business in *(name)* _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the injunction or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. Where did the events giving rise to your claim(s) occur?

DESCHUTES NATIONAL FOREST, DESCHUTES COUNTY ON STATE HIGHWAY 242 WEST OF SISTERS

B. What date and approximate time did the events giving rise to your claim(s) occur?

UNKNOWN BECAUSE ACTIONS BY DEFENDANTS COMPLAINED OF HEREIN WERE DONE OUT OF PUBLIC VIEW AND DEFENDANTS CONTINUE TO REFUSE TO SAY.

C. What are the facts underlying your claim(s)? *(For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)*

1. OREGON STATE HIGHWAY 242 CROSSES OREGON'S CASCADES MOUNTAINS BETWEEN THE COMMUNITIES OF SISTERS AND MCKENZIE BRIDGE. AS THE HIGHWAY CLIMBS WEST FROM SISTERS IT PASSES THROUGH THE DESCHUTES NATIONAL FOREST AND THE WILLAMETTE NATIONAL FOREST, INCLUDING THE MT. WASHINGTON WILDERNESS AREA AND THE THREE SISTERS WILDERNESS AREA.
 2. HIGHWAY 242 IS THE ONLY VEHICLE ACCESS TO THE NATIONAL FORESTS AND WILDERNESS AREAS FOR RECREATIONAL USERS. RECREATIONAL USERS HAVE FOR MORE THAN A CENTURY RELIED ON HIGHWAY 242 FOR SKIING, HIKING, MOUNTAIN CLIMBING, WILDLIFE VIEWING, HUNTING AND FISHING IN THOSE NATIONAL FORETS. PLAINTIFF HAS DONE SO FOR MORE THAN FOUR DECADES AND WOULD LIKE TO CONTINUE TO DO SO.
 3. BUT PLAINTIFF CAN NOT, HE IS LOCKED OUT OF THOSE NATIONAL FOREST LANDS BY A CLOSED GATE BLOCKING ACCESS VIA HIGHWAY 242 AND WHICH IS CONTROLLED BY DEFENDANTS. I HAVE ASKED AND DEMANDED THAT DEFENDANTS OPEN THE GATE. THEY HAVE REFUSED AND PLAINTIFF REMAINS LOCKED OUT. DEFENDANTS HAVE REFUSED TO INITIATE A PUBLIC NOTICE AND COMMENT PERIOD. THIS DESPITE PLAINTIFF'S DEMAND FOR HIS DUE PROCESS RIGHTS AND THE RESTORATION TO PLAINTIFF OF HIS ACCESS TO THOSE NATIONAL FORESTS.
 4. DEFENDANTS HAVE NOT ACTED ALONE. DEFENDANTS PLANNED, INITIATED AND CONTINUE THIS ILLEGAL CLOSURE IN VIOLATION OF PLAINTIFF'S RIGHTS WITH THE HELP AND/OR COOPERATION OF MR. BOB BRYANT, FORMER OREGON DEPARTMENT OF TRANSPORTATION (ODOT) REGION 4 ADMINISTRATOR; MR. PETER MURPHY, ODOT REGION 4 SPOKESMAN; MR. ALAN UNGAR, FORMER DESCHUTES COUNTY COMMISSIONER; MR. BRAD BOYD, EUROSPOSTS BIKE SHOP OWNER AND FORMER MAYOR OF SISTERS, AND A RECREATIONAL BICYCLE CLUB THAT OPERATES UNDER THE ASSUMED BUSINESS NAME "CYCLE OREGON."
 5. ACTING IN CONCERT WTH THEIR ASSOCIATES, DEFENDANTS HAVE KNOWINGLY , INTENTIONALLY, AND WITH MALICE TOWARD PLAINTIFF AND HIS RIGHTS, CONSPIRED TO DENY PLAINTIFF HIS DUE PROCESS AND OTHER RIGHTS. THEY HAVE DONE SO FOR MONETARY AND/OR PERSONAL GAIN. DEFENDANTS PLAN HAS TO FAR SUCCEEDED. CYCLE OREGON HAS ITS BIKE PATH. PLAINTIFF AND THE PUBLIC ARE LOCKED OUT.
 6. DEFENDANTS' COORDINATED ACTIONS ARE INTENTIONAL, ONGOING AND UNLESS ENJOINED WILL CONTINUE UNABATED AS WILL THE HARM TO PLAINTIFF.
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IV. Irreparable Injury

Explain why monetary damages at a later time would not adequately compensate you for the injuries you sustained, are sustaining, or will sustain as a result of the events described above, or why such compensation could not be measured.

DEFENDANTS CONTINUE TO DENY PLAINTIFF HIS DUE PROCESS RIGHTS TO PRIOR NOTICE, IRREPARABLY HARMING PLAINTIFF.

PLAINTIFF'S ACCESS AND USE OF THOSE LANDS IS PERSONAL, RECREATIONAL, AND SPIRITUAL. I HAVE, I AM, AND I WILL CONTINUE TO SUFFER IRREPARABLE HARM BY BEING LOCKED OUT OF NATIONAL FOREST ABSENT INJUNCTIVE RELIEF.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

DEFENDANTS CONTINUE TO BLOCK MY ACCESS WITHOUT NOTICE AND THEREBY CONTINUE TO DENY ME MY DUE PROCESS RIGHT TO PRIOR NOTICE. DEFENDANTS COORDINATED ACTIONS TO DEPRIVE PLAINTIFF OF HIS RIGHTS WERE UNDERTAKEN KNOWINGLY, INTENTIONALLY AND WITH MALICE.

I AM ASKING THE COURT TO IMMEDIATELY AND PRELIMINARILY ENJOIN DEFENDANTS FROM CLOSING AND LOCKING THE EAST GATE OF HIGHWAY 242 (EXCEPT IN FOR EMERGENCY OR WEATHER-RELATED CLOSURES) UNLESS DEFENDANTS FIRST PROVIDE PUBLIC NOTICE, A SUBSEQUENT PUBLIC COMMENT PERIOD, AND A REVIEWABLE DECISION OR ORDER.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: MAY 22, 2020

Signature of Plaintiff



Printed Name of Plaintiff GLENN C. BROWN

B. For Attorneys

Date of signing:

Pro Se 2 (Rev. 12/16) Complaint and Request for Injunction

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address